

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

MONDAY, THE 16TH DAY OF NOVEMBER 2015/25TH KARTHIKA, 1937

WP(C).No. 30057 of 2015 (F)

PETITIONER:

**RAZIYA V.A.
AGED 43 YEARS
W/O. MOHAMMED ANSARI,
N.S.S.ROAD, ERUMATHALA P.O.
CHOONDI, ALUVA,
ERNAKULAM DISTRICT.**

BY ADV. SMT.M.A.VAHEEDA BABU

RESPONDENTS:

- 1. STATE OF KERALA
REPRESENTED BY ITS SECRETARY,
LOCAL SELF GOVERNMENT,
GOVERNMENT SECRETARIAT,
THIRUVANANTHAPURAM-695001.**
- 2. THE CHIEF TOWN PLANNER
OFFICE OF THE CHIEF TOWN PLANNER
TOWN AND RURAL PLANNING DEPARTMENT
THIRUVANANTHAPURAM-33.**
- 3. THE REGIONAL TOWN PLANNER/SENIOR TOWN PLANNER
REGIONAL TOWN PLANNING OFFICE, CIVIL STATION
ERNAKULAM-682030.**
- 4. CORPORATION OF COCHIN
682 031
REPRESENTED BY ITS SECRETARY.**

**R1 TO R3 BY SR. GOVERNMENT PLEADER SMT. ANITHA RAVINDRAN
R4 BY SRI.P.K.SOYUZ, SC, COCHIN CORPORATION
SRI.RAAJESH S.SUBRAHMANIAN, SC, COCHIN CORPORATION**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
16-11-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1-** A TRUE COPY OF THE BUILDING PERMIT DATED 31-8-2006 GRANTED BY THE 4TH RESPONDENT CORPORATION BASED ON WHICH CONSTRUCTION OF THE THREE STORIED RESIDENTIAL BUILDING WAS COMPLETED BY THE PETITIONER.
- EXHIBIT P2-** A TRUE COPY OF THE OCCUPANCY CERTIFICATE ISSUED BY THE 4TH RESPONDENT CORPORATION DATED 29-8-2006, ON COMPLETION OF THE CONSTRUCTION OF THE THREE STORIED BUILDING AS PER EXHIBIT P1.
- EXHIBIT P3-** A TRUE COPY OF THE RELEVANT PORTION OF THE APPLICATION FOR BUILDING PERMIT SUBMITTED BY THE PETITIONER BEFORE THE EDAPPALLY ZONAL OFFICE OF THE 3RD RESPONDENT WITH 3 METER BUILDING LINE.
- EXHIBIT P4-** A TRUE COPY OF THE NOTICE DATED 3-8-2015 ISSUED BY THE 4TH RESPONDENT TO THE PETITIONER, WHICH WAS RECEIVED ON 25-9-2015.
- EXHIBIT P5-** A TRUE COPY OF THE ORDER DATED 14-8-2014 ADDRESSED TO THE SENIOR TOWN PLANNER, ERNAKULAM, THE 3RD RESPONDENT.
- EXHIBIT P6-** A TRUE COPY OF THE ORDER DATED 21-0-2014 OF THE 3RD RESPONDENT ADDRESSED TO THE 4TH RESPONDENT.
- EXHIBIT P7-** A TRUE COPY OF THE JUDGMENT DATED 17-7-2015 IN WPC NO. 14913/2015 OF THIS HON'BLE COURT.
- EXHIBIT P8-** A TRUE COPY OF THE LETTER DATED 2-4-2014, REQUESTING FOR A DECISION WITH RESPECT TO THE APPLICATION SUBMITTED BY THE PETITIONER IN WPC NO. 14913/2015 FOR BUILDING PERMIT, SENT BY THE 4TH RESPONDENT TO THE 3RD RESPONDENT, BASED ON WHICH EXHIBIT P5- AND EXHIBIT P6 ORDERS WERE ISSUED BY THE 2ND AND 3RD RESPONDENT RESPECTIVELY.
- EXHIBIT P9-** A TRUE COPY OF THE EXPLANATION DATED 22-7-2014, SUBMITTED BY THE 4TH RESPONDENT BEFORE THE CHIEF MINISTER'S PUBLIC GRIEVANCE CELL.

RESPONDENT(S)' EXHIBITS:-

/TRUE COPY/

P.A. TO JUDGE

DCS

V. CHITAMBARESH, J

W.P.(C). NO. 30057 OF 2015

Dated this the 16th day of November, 2015

JUDGMENT

The issue is covered by Ext. P7 judgment in W.P.(C). No. 14913/2015. Ext. P4 order declining building permit is therefore liable to be quashed in the light of Ext. P7 judgment and I do so.

2. The fourth respondent is directed to reconsider Ext. P3 application for building permit put in by the petitioner in the light Ext. P7 judgment with due notice to her within a period of one month.

The writ petition is disposed of.

**V. CHITAMBARESH
JUDGE**

DCS